

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MYERS MUSIC INC., et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:04-3507-CV-S-DW
)	
ROCK & ROLL MUSIC CORPORATION)	
and KRYSTAL RENE SNOW,)	
)	
Defendants.)	

ORDER

The Plaintiffs filed their complaint in this case on November 12, 2004, and timely served the Defendants shortly thereafter. Defendants have failed to file an answer or otherwise respond to the complaint. As a result, the Plaintiffs have moved for an entry of default judgment pursuant to Federal Rule of Civil Procedure 55. On December 15, 2005, the Court ordered the Defendants to show cause why it should not enter default against them. Defendants have not responded to the Court's order.

Plaintiffs do not request an evidentiary hearing. After consideration of the Application and supporting declaration and the record in this case, the Court:

1. Orders the Clerk of the Court to enter default and default judgment against Defendants, pursuant to Federal Rule of Civil Procedure 55;
2. Orders Defendants to pay Plaintiffs the maximum statutory damages in the amount of \$30,000 times seven (7) acts of infringement by Defendants, totaling \$210,000. 17 U.S.C. §504(c)(1); Boz Scaggs Music v. KND Corp., 491 F. Supp. 908 (D. Conn. 1980);

3. Orders that Defendants be permanently enjoined from publicly performing, without appropriate permission, music in the American Society of Composers, Authors and Publishers (“ASCAP”) repertory. 17 U.S.C. § 502;
4. Orders that Defendants pay Plaintiffs reasonable attorney’s fees in the total of \$5,488.75 and costs in the total of \$489.81. 17 U.S.C. § 505, Aff. of Plaintiffs’ counsel, Marc D. McKay, Ex. 1, Doc. 15.

The Court directs the Clerk of the Court to send by certified mail a copy of this order to the Defendants’ last known address.

IT IS SO ORDERED.

/s/ Dean Whipple
Dean Whipple
United States District Judge

Date: January 10, 2006